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I	B331-006
EXAMINER	

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LEE, J	
ART UNIT	PAPER NUMBER

334
DATE MAILED:

05/14/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 10/23/90 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-47 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-47 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

The drawings are objected to because in Figure 1, the functional connections between the communication ports 3D and the other components of the accumulator are not illustrated.

Correction is required.

The disclosure is objected to because the underlined blanks on pages 11 and 12 must be filled in. Appropriate correction is required.

Claims 1-47 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In every independent claim, "associated jackpot groups" is indefinite in meaning (note that 'associated' is redundant and also gives the phrase two possible interpretations); "the coins-in at the gaming machines" lacks proper antecedent basis, as the specific nature of the "gaming machines" has not been set forth (note that Sidley's terminals and Markowicz's terminals might also be considered "gaming machines" and that a coin receiving function cannot be assumed). In claims 1, 5, 9, 13, 15, 17, 18, 21, 24, 28, 30, and 32, "developing coins-in information and jackpot win information" is vague because the transmission of this information to the "progressive accumulator" should be positively set forth. In claims 1, 5, 9, 13, 15, 17, 18, 21, 24, 28, 30, and 32, the essential structure of the "progressive accumulator" must be set

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forth in positive terms; the function of the "progressive accumulator" is vaguely implied in the preambles of some of these claims, but without any definite structural limitations; as "progressive accumulator" is not applied consistently in the gaming machine art (compare usage of "accumulator" in Figure 2 of Ishida to that in applicant's Figure 1), its fundamental scope is indefinite; consequently, claim 1 sets forth insufficient structure to support the implicit function of the "progressive accumulator", and claims 5, 9, 13, 15, 17, 18, 21, 24, 28, 30, and 32 have related problems. In claims 1, 18, and 33, the meaning of "tagging" is unclear; note that neither an information storage nor an electronic tagging ability has been set forth. In claims 2, 19, and 34, the meaning of "table" is indefinite; note that "table" is merely a format of presentation, and is irrelevant to electronic information storage. In claims 3 and 20, "the jackpot group" is inapt and should be --identification of the jackpot group won--. In claim 35, "one or more of the jackpot group" is inapt and should be --identification of one or more of the jackpot groups won--. In claims 3, 20, and 35, "each set" lacks antecedent basis. In claims 4, 20, and 35, "the" before "identification of the gaming machine" should be omitted, as the latter lacks formal antecedent basis. In claims 5 and 21, "jackpot information" lacks antecedent basis. In claims 5, 21, and 36, the function of

"programming means" is ambiguous ('means for running programs' or 'means for writing programs?'); "changing said first means" or "changing said means" is vague, as virtually any interaction with the "first means" or "means" can be interpreted as "changing" it. In claim 36, "said means" in line 11 is not identified. In claim 37, the connection between the "messages" and the "developing step" has not been set forth in the parent claim. In claims 7, 23, and 38, functions of "certain of said messages" are vaguely set forth without a positive statement of how and by what means these functions are performed; "changing jackpot data" and "changing the configuration" are vague; the meaning of "configuration of said programming means" is unclear. In claim 8, "in table" is grammatically incorrect and is not meaningfully applied to electronic data storage. In claims 9, 24, and 39, "of a particular coin" is inaccurate, as it potentially implies a coin-distinguishing ability not supported by the disclosed invention. In claims 10, 25, and 40, "the coins indicated by" lacks antecedent basis, as the specific nature of the "coins-in information" has not been positively set forth ("coins-in information" can be the number of coins deposited in a certain period of time, as well as signals indicating each coin insertion). In claims 11, 26, and 41, "adding" is grammatically incorrect and should be --summing--; "each indicated coin" lacks antecedent basis, as the specific nature of the "coins-in

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information" has not been set forth. In claims 12, 27, and 42, "from the coins-in information allocated to a particular jackpot group" lacks antecedent basis, as the nature of the coins-in information has not been set forth, and thus there is nothing to distinguish different instances of coins-in information; "each indicated coin" again lacks antecedent basis. In claims 13, 28, and 43, "the coins-in information and jackpot-win information associated with" lacks antecedent basis, as no associations have been set forth; the meaning of "at one of a plurality of levels" is ambiguous, as this phrase could apply to "the jackpot value" as well as "the contribution"; "depending upon the coins-in information" is vague, as the nature of the dependency is completely unspecified; "the coins-in information corresponding to the particular coin" lacks antecedent basis, as the nature of the "coins-in information" has not been positively set forth. In claims 14, 29, and 44, "for each particular coin indicated by" lacks antecedent basis, as the nature of the of the coins-in information has not been specified. In claims 15, 30, and 45, the association referred to in "the coins-in information and jackpot information associated with the groups" lacks antecedent basis; "jackpot stack" should be referred to as --memory stack-- , as the digital electronics definition of "stack" is being relied upon; "to move jackpot-win information in the stack to fill empty stack positions" is vague and should be replaced

with --to compress jackpot-win information in the stack and thus eliminate isolated empty stack positions--. In claim 45, "base" in line 10 should be --based--. In claims 16, 31, and 46, the grammatical structure of the description of the inhibiting means (step) is confusing. In claims 17, 32, and 47, the association referred to in "the coins-in information and jackpot-win information associated with the particular groups" lacks antecedent basis; the meanings of "main control loop programming" and "interruption" are indefinite (as set forth, the "interruption" of the "main control loop" reads upon a simple call to a subroutine).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 13, 14, 17, 28, 29, 32, 43, 44, and 47 are rejected under 35 U.S.C. § 102(b) as being anticipated by Barrie *et al.* Regarding claims 13, 28, and 43, Barrie *et al.*'s progressive

controller adds to a given progressive jackpot at one of a plurality of contribution levels (see column 4, lines 38-42), "depending upon the coins-in information" being properly received. Regarding claims 17, 32, and 47, see the printout of the control program for *Barrie et al.*'s controller; note that all the jackpot incrementing/payoff calculations are performed in the subroutines 'readm' and 'win_dt', which are called from the main loop (the applicant's "main control loop" is interpreted to mean all non-interrupt program code); note also that the "further programming carried out during interruption" reads upon *Barrie et al.*'s interrupt procedure 'led_dsp'.

Claims 5-7, 21-23, and 36-38 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ishida. Regarding claims 5, 21, and 36, "second means" and "external device" are set forth so broadly as to read upon Ishida's communications units 16 and 17, and one of Ishida's slot machines, respectively; each of Ishida's slot machines transmits messages "including device identification and message type identification" (see Ishida's Figures 9, 11, and 12) which 'change' Ishida's master control unit ("first means") by introducing new input to the MPU 15; Ishida's RAM 23 ("data storage means") stores a history of the messages (see Ishida, column 4, paragraph 2). Regarding claims 6, 22, and 37, Figures 9, 11, and 12 of Ishida illustrate Ishida's specific message format, which necessarily includes a

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source address ("device identification"); clearly, an error will result if the message is not in the proper format. Regarding claims 7, 23, and 38, when a message arrives from a slot machine, Ishida's central processing unit (means for running a program) will react, thereby "changing its configuration".

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-4, 8, 18-20, and 33-35 are rejected under 35 U.S.C. § 103 as being unpatentable over Ishida in view of Werth *et al.* Ishida discloses a progressive jackpot gaming machine system with multiple collective jackpots; while Ishida teaches keeping a history of gaming machine events (column 4, paragraph 2), he does not suggest that the times of the events be recorded. Werth *et al.*, on the other hand, disclose an auditing system for coin

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operated machines (column 1, paragraph 2); they teach use of "a real time clock. . . to provide times and dates of various transactions" for security reasons such as to "pinpoint the presence of particular employees when the vending machine is serviced, tampered with, etc." (column 1, last paragraph). In view of Werth *et al.*, it would have been obvious to one of ordinary skill in the art to modify Ishida's gaming machine system to include times and dates in its event history so as to improve security. Regarding claims 2, 19, and 34, as stated earlier, the word "table" is not meaningfully applied to electronic information storage; however, Werth *et al.* teach use of a printer to obtain hard copies of transaction information (column 4, line 5), and in view of this teaching, it would have been obvious to one of ordinary skill in the art to print a vertical list (which is standard format) of the time-tagged events contained in the above modified version of Ishida's event history. Such a printed list effectively anticipates a "table" as provided by the applicant's disclosed invention.

Claims 9-12, 24-27, and 39-42 are rejected under 35 U.S.C. § 103 as being unpatentable over Sidley in view of Barrie *et al.* Sidley discloses a computerized gaming system which enables a plurality of players to play poker against each other. Sidley's system allows "several games to exist concurrently wherein players who drop from one game may be assigned to a newly formed

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game" (column 3, paragraph 4); thus, in Sidley's system, players have the option of dropping out of one pot and directing their money into another. The player consoles in Sidley's system, however, do not accept coins. In view of Barrie *et al.*'s coin operated gaming machines, it would have been obvious to one of ordinary skill in the art to create a low-stakes version of Sidley's poker system and modify Sidley's consoles to receive coins. Not only would this low-stakes version of Sidley's game appeal to players unwilling to wager large amounts of money, but the coin receiving capacity of the consoles would give players the satisfaction of physically entering money into the poker pot, rather than simply hitting console keys to enter money.

Regarding claims 10, 25, and 40, "base jackpot amount" is set forth so broadly as to read upon the old jackpot amount before the stakes are raised, or even an initial jackpot amount of zero. Regarding claims 12, 27, and 42, it would have been obvious to modify Sidley's player consoles to receive coins of different values, in order to give players flexibility in their wagering; thus, different "increments" would be assigned to different coins.

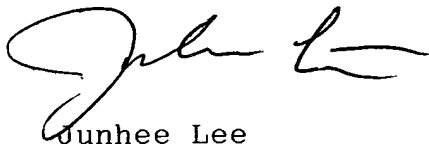
References listed on PTO-892 but not relied upon above are deemed pertinent prior art.

Any inquiry concerning this communication should be directed to Junhee Lee at telephone number (703) 308-0858.

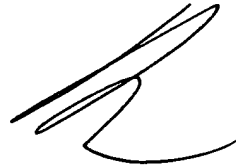
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A handwritten signature in cursive script, appearing to read "Junhee Lee".

Junhee Lee
April 29, 1991

A handwritten signature in cursive script, appearing to read "Edward M. Coven".

**EDWARD M. COVEN
S.P.E.
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